

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JEANETTE FLOWERS,

Plaintiff,

v.

IDS Property Casualty Insurance Company,  
d/b/a Ameriprise Auto & Home Insurance,

Defendant.

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Case No. 2:10-cv-15164

Hon. Paul D. Borman

Magistrate Judge Mark A. Randon

**REPORT AND RECOMMENDATION ON IDS'S MOTIONS**  
**FOR CASE EVALUATION SANCTIONS**

Defendant, IDS Property Casualty Insurance Company ("IDS"), has two post-judgment motions pending: (1) a motion for case evaluation sanctions and costs (Dkt. 33); and (2) a supplemental motion for case evaluation sanctions and costs (Dkt. 38). Plaintiff responded to both motions (Dkts. 41, 42). Judge Paul D. Borman referred the motions to this Magistrate Judge for a Report and Recommendation. During oral argument, on January 31, 2013, the parties agreed – on the record – to the following resolution:

Plaintiff shall pay \$295.50 in taxable costs; \$837 in attorney fees (incurred since Plaintiff's rejection of the Case Evaluation award); and \$540 in attorney fees (related to the pending motions).

Accordingly, this Magistrate Judge **RECOMMENDS** that IDS be awarded taxable costs and attorney fees in the total amount of One Thousand Six Hundred Seventy-Two and 50/100 dollars (\$1,672.50). Plaintiff should also be required to pay this amount on or before ***Friday, March 29, 2013***, unless IDS agrees to a later date.

The parties to this action may object to and seek review of this Report and Recommendation, but are required to act within fourteen (14) days of service of a copy hereof as

provided for in 28 U.S.C. § 636(b)(1) and Fed.R.Civ.P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec'y of HHS*, 932 F.2d 505, 508 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). The filing of objections which raise some issues, but fail to raise others with specificity, will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Sec'y of HHS*, 931 F.2d 390, 401 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within fourteen (14) days of service of any objecting party's timely filed objections, the opposing party may file a response. The response shall be no more than 20 pages in length unless, by motion and order, the page limit is extended by the court. The response shall address each issue contained within the objections specifically and in the same order raised.

s/Mark A. Randon  
 MARK A. RANDON  
 UNITED STATES MAGISTRATE JUDGE

Dated: January 31, 2013

*Certificate of Service*

*I hereby certify that a copy of the foregoing document was served on the parties of record on this date, January 31, 2013, electronically and by first class mail.*

s/Eddrey O. Butts  
 (Substitute)  
 Case Manager to Magistrate Judge Mark A. Randon